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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/628,714	07/28/2003	Larry Blythe Hostetler JR.	LUTZ 2 00222	6721
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EXAMINER GAY, SONIA L				
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/628,714

Applicant(s)

HOSTETLER, LARRY BLYTHE

Examiner

SONIA GAY

Art Unit

2614

Period for Reply -- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 March 2010.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 - 3, 5, 6, 8 - 12, 14 - 18, 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 - 3, 5, 9-11, 15, 17 is/are rejected.
- 7) ☒ Claim(s) 6, 8, 12, 14, 16, 18 and 20 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

This action is in response to Amendment submitted on 3/25/2010. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Response to Amendment

1. Applicant's amendment filed on March 25, 2010 has been entered. Claims 9, 11, and 15 have been amended. No claims have been canceled. Claims 1-3, 5, 6, 8-12, 14-18, and 20 are still pending in this application, with claims 1, 9, and 15 being independent.

Allowable Subject Matter

2. Claims 6, 8, 12, 14, 18, and 20 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim Rejections - 35 USC § 103

3. Claims 1, 2, 9, 10, 15, and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezerzer et al. (US 6,697,858) in view of Galgano, Jr. et al. (US 6,111,947), and further in view of Dickerman et al. (US 6,188,761).

For claim 1, Ezerzer et al. discloses a multi-tenant call management system, said call-management system hosting a plurality of processes including a plurality of tenant application process and a plurality of system processes, a method of configuring and monitoring said processes on said system, the method comprising : configuring said system (installing

applications and resources, column 13 lines 45 – column 14 line 6; column 15 lines 15 – column 16 line 53), said configuring including: grouping applications and resources into a plurality of tenant groups (column 3 lines 1 – 7, 41 - 67; column 13 line 47 – column 14 line 12; column 15 lines 60 – column 16 line 18); retrieving said configuration by the call-center system (column 14 lines 41 – 57; column 15 lines 57 – column 16 line 17; column 22 lines 11 - 17); and, starting said applications and resources (column 14 lines 36 – 40; column 15 lines 53 – 57; column 22 lines 11- 17). Yet, Ezerzer et al. fails to teach wherein said configuring includes a configuration file which groups, defines dependencies and priorities between a plurality of processes and a monitors the frequency for each of said plurality of processes associated with the applications and resources.

However, Galgano, Jr. et al. discloses a method for the purpose of routing telephone calls to operator consoles wherein configuration files for a computer- based call routing system comprise defined dependencies, priorities, and monitoring frequencies for processes wherein processes are started in correspondence to said dependencies and priorities and monitored based on said monitoring frequencies (*On startup, the BOSS component reads configuration files to determine which processes it is to start, how to start the processes, the shutdown order of the processes, the heartbeat intervals for the processes*, Abstract; column 3 lines 62 – column 4 line 13). Moreover, Dickerman et al. discloses a method for the purpose of providing operator and customer services wherein processes are started after reading a single configuration file (column 22 lines 12 - 20).

Thus, Ezerzer et al. contains a "base" process of configuring a multi-tenant system with applications and resources which the claimed invention can be seen as an "improvement" in that

that the system is configured in a configuration file with processes associated with the applications and resources, wherein the configuration file defines dependencies, priorities, and a monitoring frequency between the plurality of processes. Galagano Jr. and Dickerman contain the known technique of defining priorities and related dependencies and monitoring frequencies of processes for applications and resources of a computer-based call center system in one or more configuration files. Therefore, one of ordinary skill in the art at the time of applicant's invention would have recognized that Galgano, Jr. known technique of defining processes dependencies, priorities, and monitoring frequencies of processes in configuration files for applications and resources in a computer-based call center system would have been applicable to Ezerzer's "base" process and the results would have been predictable and resulted enhancing the functionality of call center system by providing the necessary instructions used to initialize, operate, moderate, and monitor the processes of applications and resources in a multi-tenant call center system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Ezerzer et al. with the teachings of Galgano, Jr. and Dickerman et al. so that the configuration for the call center disclosed above in Ezerzer et al. comprises a file which defines dependencies, priorities and monitoring frequencies for processes wherein the processes are started in correspondence to dependence and priorities and monitored based on monitoring frequencies for the purpose of providing a multi-tenant call management system.

For claims 9 and 15, Ezerzer et al discloses a call center system, the system including: a plurality of telephone lines (column 6 lines 66 – column 7 line 4); a plurality of agent positions (column 6 lines 66 – column 7 line 4); a call distribution system connecting said plurality of agent positions to said plurality of telephone lines (*ACD Server and Call Center Server*, column 20 lines 43 - 61; column 22 lines 45 – 67); a multi-tenant call- management system connected to the call distribution system, said system hosting a plurality of processes, including a plurality of tenant application processes and a plurality of system processes, including a storage system for storing database files, applications, and resources (*network database or table*, column 18 lines 57 - 58; column 25 lines 61 - 67) a computer system having memory for processing said database files and running selected applications and resources stored on said storage system (*host computer*, column 9 lines 1 – 11; column 15 lines 15 - 38); a configuration server for retrieving said configuration and serving configuration data from said configuration to requesting applications and resources (*Host Server*, column 18 lines 61 - 64; column 22 lines 6 – 19); and a monitor process for starting configured applications and resources (*Host server*, column 18 lines 61 - 64; column 22 lines 6 – 19). Yet, Ezerzer et al. fails to teach wherein said configuration includes a configuration file which groups, defines dependencies and priorities between a plurality of processes and a monitors the frequency for each of said plurality of processes associated with the applications and resources.

However, Galgano, Jr. et al. discloses a method for the purpose of routing telephone calls to operator consoles wherein configuration files for a computer- based call routing system comprise defined dependencies, priorities, and monitoring frequencies for processes wherein processes are started in correspondence to said dependencies and priorities and monitored based

on said monitoring frequencies (*On startup, the BOSS component reads configuration files to determine which processes it is to start, how to start the processes, the shutdown order of the processes, the heartbeat intervals for the processes,* Abstract; column 3 lines 62 – column 4 line 13). Moreover, Dickerman et al. discloses a method for the purpose of providing operator and customer services wherein processes are started after reading a single configuration file (column 22 lines 12 - 20).

Thus, Ezerzer et al. contains a "base" process of configuring a multi-tenant system with applications and resources which the claimed invention can be seen as an "improvement" in that that the system is configured in a configuration file with processes associated with the applications and resources, wherein the configuration file defines dependencies, priorities, and a monitoring frequency between the plurality of processes. Galagano Jr. and Dickerman contain the known technique of defining priorities and related dependencies and monitoring frequencies of processes for applications and resources of a computer-based call center system in one or more configuration files. Therefore, one of ordinary skill in the art at the time of applicant's invention would have recognized that Galgano, Jr. known technique of defining processes dependencies, priorities, and monitoring frequencies of processes in configuration files for applications and resources in a computer-based call center system would have been applicable to Ezerzer's "base" process and the results would have been predictable and resulted enhancing the functionality of call center system by providing the necessary instructions used to initialize, operate, moderate, and monitor the processes of applications and resources in a multi-tenant call center system.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Ezerzer et al. with the teachings of Galgano, Jr. and Dickerman et al. so that the configuration for the call center disclosed above in Ezerzer et al. comprises a file which defines dependencies, priorities and monitoring frequencies for processes wherein the processes are started in correspondence to dependence and priorities and monitored based on monitoring frequencies for the purpose of providing a multi-tenant call management system.

For claims 2, 10, and 16, Ezerzer et al. further discloses starting copies of each of said plurality of processes in a secondary call – management system, wherein said call management system is a duplex system (Ezerzer et al., *a fourth aspect is mirroring of some or all processes servers, and function*, can form at least a duplexed call management system, column 2 lines 61- 64; column 25 lines 34 – 47).

4. Claims 3, 5, 11, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ezerzer et al. (US 6,697,858) in view of Galgano, Jr. et al. (US 6,111,947), and further in view of Dickerman et al. (US 6,188,761), and further in view of Holenstein et al. (US 2005/0021567).

For claims 3, 11, and 17, Ezerzer et al. further discloses defining a run status for each of said plurality of processes (Ezerzer et al., column 19 lines 6 – 7), yet fails to teach the following: defining selected processes of said plurality of processes as cold-standby run status, wherein one copy of the selected process runs on one of the duplexed call-management systems

while the remaining copy remains stopped or idle on the remaining call-management system; defining selected processes of said plurality of processes as warm run status, wherein one copy of the selected process runs on one of the duplexed call-management systems while the remaining copy remains running on the remaining call-management system, however, one of the copies is inactive; defining selected processes of said plurality of processes as load sharing run status, wherein both copies of the selected process run and actively handle requests, sharing the overall load.

However, Holenstein et al. discloses a method for the purpose of ensuring system availability wherein a system comprises a primary and backup system and the backup system is configured to be in a "cold", "warm", "hot" or load-sharing state to enable replication of the primary system in case of the failure of the primary system ([006-0008]).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the teachings of Ezerzer et al. with the teachings of Holenstein et al. to define the mirror processes, servers, and functions which form at least a duplexed call management system as disclosed above in Ezerzer et al. as "cold", "warm", "hot", or "load-sharing for the purpose of ensuring system availability in case of the failure of the master processes as disclosed above in Ezerzer et al.

For claim 5, Ezerzer et al. and Holenstein et al. further discloses wherein each of said duplexed call-management system includes one or more load-sharing nodes, each node hosting selected processes (Ezerzer et al., column 19 lines 6 -7; Holenstein et al., [0008])

Response to Arguments

5. Applicant's arguments with respect to the rejection(s) of claims 1, 9, and 15 with respective dependents have been considered and are not persuasive. On page 10 of the Remarks, Applicant argues that Galgano, Jr. fails to teach startup priorities. However, Galagano, Jr. discloses "determining which processes it is to start" in column 3 lines 62 - 66. This statement appears to disclose that there is a startup priority for processes if only certain processes are started in the beginning. Additionally, Applicant argues that the Galagano, Jr. fails to disclose defining dependencies between processes. However, Galgano, Jr. discloses "the shutdown order of the processes" in column 3 lines 62 - 66. For processes to have a shutdown order implies that there is a dependency or relationship between the processes, i.e. for process A to shutdown, process B must shut down first. In other words, the shutdown of process A depends on the shutdown of process B.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to SONIA GAY whose telephone number is (571)270-1951. The examiner can normally be reached on Monday to Thursday from 7:30 AM to 5:00 PM EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (571) 272-7488. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Rasha S AL-Aubaidi/
Primary Examiner, Art Unit 2614

/Sonia Gay/
Examiner, Art Unit 2614
June 30, 2010

